



Quid Navi

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JLS

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Méat Poule Las

Véronique-Elisabeth Marquis
BCL I

AVERTISSEMENT: CET ARTICLE NE
COMPREND PAS UNE ALTERNANCE
DE
PARAGRAPHE EN ANGLAIS ET EN
FRANÇAIS.

Voilà... McGill. Nous y sommes.

Il m'a fallu cinq longs mois avant
de m'en apercevoir, mais cette maison
dont je rêvais depuis si longtemps, et dans
laquelle je voulais tant étudier, c'est de
cette faculté qu'il s'agit.

McGill, c'est le Canada incarné.
Bienvenue dans le Canada idéal, celui qui
aurait encore une raison d'être dans le G7
et dont on oublierait la dette! Ici, on parle
le bilingue; ici, cinq cents
étudiants triés sur le volet préparent

l'avenir d'un pays qui n'en n'a peut-être
plus.

Mais il ne faudrait pas troubler
cette belle sérénité. Cette faculté est donc
aussi celle où l'on ne parle jamais de cette
souveraineté, cette indépendance, cette
séparation, cette destruction. C'est la
faculté, où personne ne sait que des
milliers d'étudiants ont manifesté contre
la réforme Axworthy. Ici, on a mieux
que ça à faire. Il y a des carrières à
préparer, des contacts à créer. Tu te
rends compte, au nombre qu'on est, on
connaîtra bien moins d'avocats que ceux
qui sortent de l'Université de Montréal;
faut les cultiver, ces fausses amitiés, et
surtout prendre soin de ne froisser
personne.

Alors moi, je regrette, mais je n'ai
pas suivi. Je suis une (petite) Québécoise

même pas bilingue. Je n'ai pas fait le tour
du monde; je n'ai pas (" honte! "
damnation!) de bacc; je n'ai jamais fait de
politique. Mais qu'est-ce que je fous ici,
bordel? J'aime à peine la bière, je déteste
le Peel Pub, je ne porte jamais de running
shoes pour aller à mes cours (oups! ça ce
n'est pas politically correct!).

J'ai l'impression d'être perdue dans un
océan (à l'autre) de gens différents. Qui
êtes-vous, d'où venez-vous; où allez-vous?
"En étrange pays dans mon pays lui-
même", écrivait Aragon. Mais est-ce
vraiment mon pays qui se cache dans la
belle maison?

Aragon a aussi écrit:
"Il n'y a pas d'amour heureux
Mais c'est notre amour ... tous deux."
Parlait-il d'une femme?
Peut-être d'un pays.

Time for a Change

Dyanoosh Youssefi
LLB I

Early in May, when
I was contemplating coming
to McGill Law School, I
spoke to one of the faculty's
administrative officials.
This person, whom I shall
call Q, warned me of getting
a steady job, becoming
involved with ongoing

volunteer work, and
committing myself to
outside of law school
activities in my first two
years. Q told me that the
amount of work I will have
at law school will very
likely be more than
anything I have ever had
before and that I will be
incapable of engaging in
non-academic activities. In

short, Q strongly
discouraged me from
having a life outside of law
school.

That was the first
sign of how McGill places
the study of law on a
pedestal. The study of law
should become the major--
if not the only-- focus of my
life.

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Announcements / Annonces

Employment Opportunity

Westcliff Management Ltd, a commercial real estate company seeks to hire a second- or third-year law student to work in its legal department.

The work consists in reviewing legal documents for execution. It specifically involves the proofreading of leases, offers and amending agreements for the rental of commercial space.

Anyone interested in this position must be bilingual and available for work in May 1995 (exact date to be negotiated). There exists a possibility for part-time work during the school term, with a very flexible schedule.

All interested candidates should forward a copy of their c.v. to the attention of:

MeCaroline R. Redler
C/O Westcliff Management Ltd
Legal Department
600, de Maisonneuve W.
Suite 2600
Montreal, Quebec
H3A 3J2

Fax: 288-8600

Refugees + Pizza

Refugees and pizza ... two subjects not normally mentioned in the same breath. No longer. This Thursday (February 16th), MLSWCCR (McGill Law Students Working with the Canadian Council for Refugees) will be bringing home the za. For a modest sum, pizza will be served during Coffee House. Finally, an opportunity to salve both your appetite and your conscience. "MLSWCCR?" you ask. Granted, the name is a mouthful, but so is the pizza.

The Canadian Council for Refugees is a Montreal based refugee advocacy organization with over 150 affiliated groups across the country. It is the primary Canadian advocate for progressive refugee policy. Our own Professors Patrick Glenn and Julius Grey have participated in CCR sponsored projects.

Interested in learning more about the CCR's laudable endeavours? The jolly volunteers staffing the pizza table will be happy to answer any questions. So cultivate that appetite, and buy buy buy. While the pizza will be offered at cost, we are encouraging you to make an additional donation of any amount which you feel to be within your means. Tax receipts are available (for those shameless enough to ask).

Black Law Students National Conference

The Black Law Students' Caucus (BLSC) wishes to announce, on behalf of the Black Law Students Association of Canada (BLSAC), that the 4th Annual Conference of BLSAC comes off from the evening of Thursday February 16 to Sun February 19 at the Queen Elizabeth Hotel in Downtown Montreal.

The theme for the conference is "SHAPING THE LEGAL PARADIGMS FOR THE TWENTY-FIRST CENTURY". Workshops for the conference will touch on among others, Immigration, The Black lawyer on the legal market, The effect of Quebec Separation on Blacks, Legal aid clinic in Black Communities, etc.

Prominent Black lawyers, judges and articling students will be attending. The Dean of the faculty is among the special guest speakers.

You are invited to attend.

The President, BLSC.

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Emmanuel Castiel, despite the memo!

News About the International Law Society

Just a brief note everyone to let you know that on **March 2nd**, there will be an **International Career Forum** followed by a **Wine and Cheese**.

This will be held at **Thompson House** and everyone is asked to be there at **6:00 PM sharp!**

More news about the activity of the ILS will come in the next Quid!

Thank you everyone for your support,

Nathalie Léger
Secretary.



Deadlines and Germs

As I write this editorial, I am in the midst of a memo, which rhymes with uh-ho! and tornado for at least one obvious reason, so forgive me for saving my creative juices for that particular event rather than the editorial, which nobody will end up reading when I'd rather nobody read the memo.

So I take this opportunity to address 2 issues of importance: deadlines and germs.

It seems that many people confuse the two, since all the deadlines I've been dealing with have been subject to people ignoring them for as long as they could, and then once the deadline had come upon them, they wanted a remedy to cure their lapse of time and memory. I refer of course principally to article and valentine deadlines for starters, sweat shirt orders and cap sales for seconds. I won't discuss paper deadlines because then I would be stepping on the Dean's turf, and I would probably be accused of plagiarizing his notice on paper deadlines and extensions.

I won't reiterate the many articles and notices placed in the Quid regarding deadlines, because obviously the people who should be reading them don't and won't do so here either. I did discuss the problem of missed deadlines with our pseudo-editor Jody, who answered that "if students cannot respect deadlines, they shouldn't be lawyers, they should be law professors" (referring to the return of the second year facta no doubt)

I've worked at the Quid for nearly two years now, and I

never quite grasped what our policy was. I often thought there was none. But now, along with the inconveniences of having to deal with \$226 cartridges of ink for the printer on Sunday nights and deliveries to the wrong buildings, and editorials, and office decorations, and keeping up with the other "chicks" in the office, comes the privilege of making the policy, one of which is strict deadlines by the way. And it should be no surprise since this was clearly set out in the first Quid to come out in 1995, and then some.

But all this criticism is meant to be constructive. So take note. I'm about to reveal one of the great secrets of living in a world which runs on schedules and deadlines, rivalled only by the secret of the Caramilk bar (that one's for another time). Agendas. I know it's a technological leap for some of you, just like thermostats would a novelty for NCDH, but trust me, they work. Actually come to think of it, most of you do have agendas, since you all remember when vacations are, when classes are cancelled and when free coffee house is. So I guess it's important to give you an extra tip which will give you the Agenda edge: write in it. Your deadlines that is.

I now take the opportunity to address a very serious health issue. Anybody attending class in the past few weeks must realize the severity of the situation we're in. We're about to be quarantined. I mean already the Faculty *sounds* like sick bay, and I'm afraid that it just keeps getting worse. At first I felt sorry for all the sick who shared my

plight. The flu/cold/flu syndrome. However I am getting annoyed that each time the prof. says "and most importantly" someone starts coughing up a lung. This does not make for an efficient exam preparation. It seems we just can't shake these colds which have a mind of their own. One week they accessorize with fever, without fever the next, sinuses the next and general death the week after that (or was that the memo?). Then you think you're getting better, and boom!, your neighbor sneezes on you, and by some unexplained medical phenomena, you're *instantly* sick again.

Randi H. has a theory though. We can't shake our colds because the germs are trapped in the faculty. In her words, because of the ventilation system in NCDH, the germs are constantly being circulated in the air vents (there should be limits to recycling!) and, in violation of Charter rights, they're trapped and can't get out. Of course anybody who spoke to Randi after she found out she was a fiddler's daughter (see Skit Night) knows she's been taking a little too much cough sirup recently which may explain her bizarre explanation, and laugh. But I think she's got a point. The only problem of course is that first the germs were imprisoned in the faculty, as a germ-experiment to prepare for the real entrapment. Ours. It seems to me that now I'm stuck in the faculty *with* the germs. Maybe it's because I forgot to write in my agenda that I should get out of here, and like deadlines, I just forgot.

Laurence Detière

Jody

(Sung to the tune of Santa Clause is Coming to Town) You better watch out, you better not lie, you better be quick, I'm telling you why, interviewers are coming to town... That's right! If you notice that some of your friends are walking around in suits, polishing up their resumes, and getting nifty new haircuts its because its almost interview season. Interview season begins in Toronto during the February break, and then continues subsequently in Montreal. This allows students to bag their limit in two locations. The interview process has more rules, both written and unwritten surrounding it, and a larger bureaucracy running it, than entire Atlantic cod fishing industry.

The Law Link has published an articling handbook to assist the eager student in their quest to bag the biggest, meanest law firm they can find. I highly recommend that anyone who is looking for an articling job pick up a copy of the book. At \$2 a head its a lot cheaper than a new Armani suit, and as soon as Leslie gets \$2 from you, she can pay me the \$2 she owes me! Despite its well researched and well written format, not to mention its stunning graphics, it fails to tell the whole story. So in the interests of separating fact from fiction suburban truth from urban myth, Jodytalk proudly presents "Jody's Alternative Articling Handbuch."

Resumé: The Law Link Book suggests that you use high quality paper and that you put it in an 8.5" x 11" envelope to avoid folding it. This is clearly based on the urban myth that a partner will notice the watermark on your

stationary, and hire you on the basis of good taste. The reason you don't want your resume folded is because unfolded ones go on top of the pile, in order to flatten out the folded resumes beneath them. The truth of the matter is that when your resume comes in it is opened by a secretary and then xeroxed. The original is the put into a file folder and only sees the light of day when the junior partners are looking for comic relief. All the xeroxes are then distributed to the selection committee in order of class rank. So, all that money that you've spent on high quality stationary and the extra postage is for naught. However, myths and rituals often make us feel better, so if this is the case go ahead and do it. I mean its certainly more hygienic than refusing to wash your jock throughout the playoffs.

The mattress: Most students underestimate the importance of the mattress strapped to their back during the interview. Basically an interview is a chance to peddle your ass so your mattress should reflect the message that you want to convey. Avoid cots as they're temporary and send a message that you're liable to pick up and take off when you're finished articling. Most firms don't want to invest a lot of time in a student if they feel that they'll take off. Large firms generally want the privilege of booting you out the door, rather than having you walk out. Single beds are economical. A high quality single mattress shows a no nonsense, practical person. It also sends a subtle message that there's no room to let

anyone in to the bed to screw you, so don't expect to ever make partner. I recommend a Sealy queen size. A king size mattress shows too much ambition and is likely to turn off potential employers. On the other hand, a queen size lets them have their way with you in relative comfort. Additionally, a high quality mattress like a Sealy will hopefully last until that happy day when you become the screwer, rather than the screwee!

The Cocktail Party: The cocktail party is usually hosted by larger firms that want to catch unsuspecting law students off guard. They're usually attended by associates who weren't fortunate enough to be working all night on a quia timet injunction. Also, the free food and booze at these functions is kind of like insurance, it's there, but if you want or need to use it, you're in big trouble. Chances are you really don't want to go to this thing, but if you don't you won't be able to demonstrate your commitment to the firm. Think of it as a learning experience. Once your hired you'll be expected to attend these things on a biweekly basis in addition to billing 100 hours per week. Most of the time you'll be standing around flapping your jaws making meaningless conversation because if you actually said something substantive you might piss someone off. Think about it the next time you're guiltlessly scarfing free food at the Martineau Walker Coffee House.

The interview: The last person you want to be in the interview is yourself. Yourself got a C+ in business

(Continued on page 5)

(Continued from page 4)

associations and hopes that while in Hong Kong writing their business corporations act, Cally Jordan takes a trip to Indonesia and spray paints a few cars. On the other hand, your interviewers probably thinks that she walks on water. When asked in an interview tell them that you think that there's no grade deflation at the faculty, that parallel citation is the best thing since sliced bread, and that above all you don't read Jodytalk (unless of course you want to work legal aid in Sherbrooke.) Make sure that you learn the interviewers names, despite the fact that they couldn't care less about yours, and that even after you interview they send your rejection letter addressed to Ms. Jody Berkes.

The Office: "The bigger the cushion, the sweeter the pushin..." -- Spinal Tap. Yes the more plush the carpet the higher priced the law firm. However, the thickness of the carpet is also directly proportional to how much they stick it to their articling students. Just remember that all that oak panelling usually stays in the halls and offices and rarely makes it over to the student cubicles. Usually interviews end with a tour of the office. Make sure you get a chance to look at a corner office, because that's the last you'll see of one for the next 20 years, until you make partner. Don't bother with the library because if you're fortunate enough to article at the firm you'll spend the next year of your life locked up in there.

The Luncheon: Similar to the cocktail party, but even more insidious. At least at the cocktail party you could

spare yourself some embarrassment by not eating at all. However, at the luncheon you're trapped. Since it usually takes place during lunch you'll be hungry but, you don't want to look rude by declining the offer to go out to a swanky joint. Usually, you'll be taken to some upscale restaurant which has all kinds of things on the menu, and since the closest that you've come to haute cuisine is an Elgin Terrace Souvlaki, you'll want to eat some. However, you can't order anything expensive lest they think that you're too greedy. Now that we've eliminated the surf and turf from the menu, you're left with the pasta. However, you can't order that either because it's messy, and miss manners dictates that you shouldn't tuck your napkin in under your chin (or do anything else to prevent you from staining your one good suit) during the interview. So you end up ordering some rotini pasta in a light cheese sauce, basically the same thing as the 98¢ KD you'll make that night, because you blew your life savings on a new suit.

Parting Words: Students at McGill seem to have a slant toward large corporate firms. Maybe that is because McGill has a slant toward large corporate law. My first two years here I interviewed at all the large corporate firms, and got second interviews at none. At this point they can all smell my resume a mile off, even if they still call me Ms. Jody Berkes. Take my advice and look at some of the smaller firms. They may not have the same corporate clientele or corporate expense accounts as the

big firms, but there is generally a whole lot less bullshit as well. Additionally, if you work for a smaller firm there is a greater chance that you might get to actually practice law, as opposed to writing cue cards for lawyers who will practice it. Or maybe you want to work for the government; at least then if you don't like it you can sue them for wrongful hiring and pay off your student loans that way. Whatever route you choose just remember that slavery has been outlawed in all civilized countries except where the articling system exists.

Jody Berkes is a third year law student who loves talking to lawyers and law professors as long as they provide him free beer at Coffee House. His column appears weekly in The Quid Novi. Remember, it's never too early to submit your letters for the end of the semester Jodytalk reader mail column. Anyone is welcome to submit and a randomly chosen winner will win a chance to have their letter answered in person at Coffee House.

Jody also apparently lied when he told me he was running out of things to say, this is his longest Jody Talk this semester. It only my writer's block was so productive!

Talk

(Continued from page 1)

I now know that the ideology and convictions that make Q believe that students, in first year, at least, should not get involved with any outside activities, and the reasons Q provides for these warnings, are what characterize, shape and support much of what I have come to dislike about first year at our law school.

Nonetheless, I listened to Q. I decided that since I am new to the city and just settling in, perhaps I should take things easy. Moreover, since I (like the 100 other students in my year who were wondering the same thing) was not sure if this was the best time for me to be studying law, I wanted to give the academics a real chance. I wanted to ensure that I liked being in law school for its own sake-- that I was enjoying and benefiting from the academic aspect of law school.

Alas, I found that the study of law and the approach to the study of law and to students (in first year, anyway) was as elitist, as self-aggrandizing and as oblivious to the rest of the world as was purported in my meeting with Q. To top it off, the atmosphere and the approach to the study of law discouraged critical discussions, fostered both laziness and indifference among students (and some professors, I dare say), and encouraged an I-want-to-get-out-of-here-in-the-fastest-and-easiest-way-possible attitude.

The content and method of teaching in many classes are restrictive and narrow. (I can imagine electronics being taught to students who aspire to become technicians in the same manner that our classes are taught.) The fundamental socioeconomic and political basis and consequences of laws and judgments are often dismissed or left untouched.

In the Property class, when a student at the beginning of the year questioned the validity of the Western notion of property, the professor's response amounted to "We're not interested in that type of inquiry."

I truly wonder, how in a first-year course on common law Property, dealing with native issues can be merely left to an article handed out at the beginning of the course, not to be effectively referred to at any other point in the course. Are we so certain about the legitimacy and value of our notions of property that we need not question, at all, the issues of power and history which are so intertwined with this body of law?

At best, when an "outside" issue is addressed in a class, it is done so in the manner of a dialogue between the professor and one student-- other students are almost never encouraged to contribute to the discussion.

How can we teach so many of our courses in such a restricted manner, ignoring or merely glossing over the political and philosophical issues which have moulded and created our laws?

Law does not exist in a vacuum. It should not be taught in one.

However, my disappointments did not end here. I knew that many other law schools approach the study of law narrowly and that we have even come further in not making the study of law a mere matter of memorizing the Civil Code or knowing the proper name of every case. So I decided to share my concerns with a few faculty members.

While I found some verbal support, I also found that others responded in a fashion suggesting that a first-year student lacked both knowledge and perspective or had little right assuming to contribute towards change. I spoke to one particular member of the faculty, with the power and authority to respond to the concerns that I, and, as I had found out, numerous other students, had. Yet this person moved from supporting my views ("Yes. I completely agree with you that our mode of evaluation is not most conducive to a learning experience. I will address it at the next meeting."), to being discouraging ("Well you know, it's kind of difficult to affect such changes."), to being outright dismissive ("I don't think that anything is going to come out of this.").

I never denied that affecting change would be easy. I wholly conceded that many changes that would enrich the students' learning experience would create practical difficulties for everyone involved.

But if the will to affect positive change is absent in law school, where do we expect to find it? If it is so many law students who become involved in issues of social justice, in government institutions and in politics, should we be telling them that practical difficulties are a good enough reason to place improvement of our system on a back burner?

No wonder our society continuously resorts to implementing Band-Aid solutions to every problematic issue that it faces.

I can hear those who say, "But this is your first year in law, you've got to learn

the basics, the law, before you can engage in a critical analysis of it." I believe that this proposition underestimates what most students are capable of doing, side-steps the problem and precisely proves my point.

Students who already have another degree-- and even many of those who do not-- should be capable of handling the learning of laws and legal reasoning, while at the same time situating these in our society and assessing their value and influence. Besides, I had thought that our faculty looked for students who were not only capable, but interested in more than just learning the laws. I did not think that these students were brought here to have their views dismissed, ignored and belittled.

More importantly, the learning of the law cannot-- and should not-- be separated from a critical analysis of it. It is because we have tried to make this distinction so real and absolute that we continue to justify the status quo.

It appears that McGill attracts and invites students with diverse backgrounds and interests, only to attempt to homogenize them by the end of the first year.

I don't think the right answer, as some might suggest, is that I should either consider leaving law school or changing schools. The reasons that I chose to come to law school are still compelling enough to keep me here. In addition, the reasons that I chose to come to McGill have not, for the most part, been invalidated. As a Canadian, I want to complete the National Program and I hope to be exposed to and learn from the French culture in Quebec.

My complaints about the approach to the study of law and to students at McGill exist because I *care about* and *value* what this faculty has to offer. I share my opinions because I know that others share many of my views, that many students feel silenced in class, that they sense that their past experiences and knowledge is rendered as irrelevant, that they feel that they are going to be the products of a factory. I share my criticisms and opinions, haughty as they may sound, particularly because I hope to contribute to making positive change.

But I have found our school to be unnecessarily resistant to change.

Compte-rendu d'une année à la fac à Paris

Gabrielle Moisan

Etudiante en droit à McGill, j'ai été autorisée à effectuer la troisième année de mon BCL à Paris: j'ai suivi des cours du programme "Matrise de droit des affaires" à la Sorbonne, au Panthéon, en 93-94. Au cours de cette année, je suis allée de surprises en surprises, parfois très proche du découragement... maintenant que tout est fini, que j'ai réussi mes cours, je ne regrette pas d'avoir persévéré. Si mon témoignage peut prévenir certains étudiants, peut-être seront-ils moins surpris que moi... encore que si on me l'avait dit avant, je ne l'aurais pas cru!

Tout a commencé par l'inscription, début octobre. Il y a d'abord l'inscription administrative (frais de scolarité -rien si déjà payé à Montréal- + frais de sécurité sociale -rien si toujours bénéficiaire de la carte Soleil + frais d'adhésion à une mutuelle pour se faire rembourser certaines consultations médicales, certains médicaments, recommandée) à Tolbiac: on fait la queue pendant des heures dans des locaux sinistres; il faut expliquer qu'on vient du Québec et qu'on n'a pas de convocation comme les étudiants français. On passe enfin. Ayant déjà payé mes frais de scolarité à McGill, je n'ai pas à payer les frais de scolarité français (environ 750F) ni, étant toujours prise en charge par la RAMQ, les frais de sécurité sociale étudiante (environ 700F). Ces frais sont beaucoup moins importants qu'au Québec: l'Etat subventionne plus... mais, comme j'allais le découvrir, il y a moins de profs par élèves, moins de locaux, moins de livres, etc.

Puis, il y a l'inscription pédagogique (choix de cours) au Panthéon. Alors là est apparu un problème qui semblait insurmontable: les étudiants "normaux" sont inscrits dans l'ordinateur et s'ils réussissent les examens, ils recevront automatiquement leur diplôme de la Sorbonne; or, en étant toujours inscrite à McGill et en voulant faire créditer mes cours suivis à Paris dans mon programme à

McGill, je ne pouvais pas avoir de diplôme français: les mêmes examens ne peuvent conduire à la délivrance de 2 diplômes différents. Donc, que faire? La personne que j'ai vue était prête à ne pas me faire passer d'examens, j'avais beau lui répéter que McGill n'accepterait jamais de me créditer des cours où je n'aurais pas réussi les examens, cela me semblait logique!... finalement, après de nombreux coups de téléphone, il a été confirmé que je devais passer des examens! et il a été décidé de m'inscrire à la main, sur un papier à part... super pratique tout au long de l'année (ex: le jour des résultats à la fin de l'année: ils ont affiché les "listings" de 1000 étudiants, le vendredi soir... et mon nom sur une petite feuille a évidemment été oublié... j'ai eu mes notes le mercredi suivant!).

Bref, je suis inscrite. Les cours commencent... j'arrive à l'heure pile... la classe est pleine à craquer, sont-ils 300? 400? je n'ai d'autre recours que de m'asseoir sur les marches de l'amphi, le sac d'un côté, la veste de l'autre (il n'y a aucune case pour les étudiants) et d'essayer de prendre des notes.

La plupart des professeurs ne distribue pas de plan de cours; une bibliographie est donnée: une dizaine de livres, aucun vraiment suivi en particulier car "à la Faculté, l'enseignement est tel que le contenu du cours ne se trouve dans aucun livre"!!! En attendant, on arrive au cours sans avoir aucune idée de ce qu'on va apprendre, mais par contre, on va apprendre à recopier des articles entiers du code civil... en effet, je n'ai vu AUCUN étudiant avec son code en classe, dans aucun cours; ce qui entraîne au cours de procédure civile, le recopiage quasi intégral du code de procédure civile... nous sommes en 4e année de droit à l'université...

Aucun étudiant ne pose de question pendant le cours, et même à la pause, il est rare de voir des étudiants aller vers le prof: ils ont peur de dire des idioties et que, le jour de l'examen, le prof va s'en

souvenir et leur mettre une mauvaise note (beaucoup d'examens sont oraux: 10-15 mn en tête à tête avec le prof); j'ai osé aborder certains professeurs, parfois simplement pour leur demander la référence d'un ouvrage de base me permettant de me mettre à niveau, j'ai remarqué que la plupart sont tout à fait ravis qu'on leur parle, qu'on pose des questions, bref qu'on s'intéresse au cours! quoi de plus normal?!!! J'ai remarqué aussi que plusieurs étaient déjà venus enseigner au Québec; Par contre, il est difficile de rencontrer des professeurs en dehors des cours: ils n'ont pas de bureau à la fac (manque de place), il n'y a qu'une salle des professeurs.

Autre surprise: beaucoup de cours sont annulés... au dernier moment... alors à 8h du matin, quand on réalise que le prof ne viendra pas, que la bibliothèque est encore fermée... on est content! et on découvre le rituel du café au bistrôt du coin, enfumé. Autre surprise: ces cours annulés ne sont pas repris, au motif que c'est trop compliqué de trouver une salle de cours libre. A la fin de l'année, j'avais calculé plus de 40 h de cours annulés...

J'ai aussi eu la mauvaise surprise, d'arriver à un examen et de trouver un mot expliquant que le chargé de travaux dirigés ne viendrait pas et que, par conséquent, l'examen était reporté à la semaine suivante... Je l'ai eu mauvaise!

Puisque je parle des TD (travaux dirigés), je vais expliquer ce que c'est: la classe est divisée en petits groupes (25) pour 2 ou 3 cours, tout au long de l'année; c'est là qu'on va étudier la jurisprudence, qu'on aura préparée avant; les chargés de TD sont des étudiants au doctorat ou des professionnels: j'ai eu un juge (en France, on peut être juge après 4 ans d'université et une année à l'école de magistrature) ayant plus de 7 ans d'expérience...; ces TD sont les seuls moments où la présence au cours est obligatoire: les chargés de TD font l'appel à chaque cours; si on a plus de 2 absences non-justifiées, on a zéro à ce

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cours. Si le chargé de TD en a envie, il peut faire des interrogations- surprises, en 4e année d'université.

Cela m'amène à parler des examens. J'ai eu des examens où il n'y avait pas de barèmes indiqués... j'ai bêtement cru qu'alors les 3 questions avaient le même poids... bêtement, car "il était évident qu'il y avait une question plus importante que les autres": il fallait en effet recracher l'ensemble du cours: "cataloguer l'ensemble des infractions possibles en comptabilité"... dans le genre vague...

Par ailleurs, il est frappant, pour un étudiant Québécois, de voir le comportement d'étudiants français à un examen: ils trichent tous, au moyen de techniques diverses: leur sac ouvert à côté d'eux, les livres ouverts sur les genoux, les feuilles de brouillon qui circulent d'un étudiant à un autre, les chuchotements... parfois plus proches du travail de groupe. Il y a des surveillants mais ils doivent être aveugles et sourds! (*Ed.'s note: Ça c'est de la solidarité! Tricheurs de tous les pays, unissez vous!*)

Les questions des examens ne sont pas forcément ce qui a été développé en classe et ne soulèvent pas forcément un point intéressant du cours.

Les résultats des examens ne sont pas confidentiels pour 2 sous: les notes sont affichées, à côté du nom des étudiants, sur des grands panneaux; vous n'obtiendrez un relevé officiel qu'en octobre... alors que vous en avez besoin pour faire des demandes en DEA ou DESS (le niveau supérieur). J'ai eu fin juin les résultats de l'ensemble des examens que j'ai passé en mai ou en février... donc si je ratais le premier et je répondais de la même façon aux suivants, je les ratais tous).

Les étudiants français en droit sont soumis à un formalisme très rigoureux; je citerai le commentaire d'arrêt comme exemple: il faut faire un plan en 2 parties (grand I et grand II) avec 2 sous-parties (Grand A et Grand B)... j'ai eu l'impression que certains attachaient plus d'importance au contenu qu'au contenant. (*Ed.'s note: Gee, now there's a real change from McGill's Legal Research and Methodology!*)

Je parlerais maintenant des étudiants.. ils sont très nombreux! en

maîtrise, donc en 4e année en France, nous étions 1000 inscrits à Paris 1, il y en avait aussi dans d'autres facultés de droit de Paris... C'est un enseignement de masse. Cela tient au fait qu'en France, une fois le baccalauréat (= le D.E.C.) obtenu, tout étudiant a accès à la faculté; c'est ensuite que, plus ou moins rapidement selon les disciplines, il y a une sélection.

La plupart des étudiants sont très "jeunes", et ne semblent avoir aucun but à court ou à long terme, ils n'ont qu'un souhait: réussir les examens en juin (ou en septembre... quitte à passer un été pourri), "après, on verra". Peu d'étudiants semblent avoir un réel intérêt. Beaucoup ne viennent pas au cours et ceux qui viennent, notent ce que dit le professeur. souvent des grandes théories, et c'est tout; N'entendant jamais le mot-clé "prépondérance des probabilités", j'ai demandé à ma voisine pour vérifier en France, qui avait la charge de la preuve.. question pratico-pratique primordiale... elle ne savait pas ... en 4e année.

Quelques fois, il m'est arrivé de m'adresser à l'administration de la fac (mais c'est vrai pour toute administration française), on nous répond avec un lance-pierres: c'est un tel privilège d'avoir été accepté dans leur Fac, qu'on ne devrait se plaindre de rien.

J'ai été très surprise de constater l'état de passivité des étudiants: "C'est comme ça, ça a toujours été comme ça, ce sera toujours comme ça". Les évaluations des cours et des professeurs sont absolument inconnues en France. Par ailleurs, il y a des élections de représentants d'étudiants... seulement 4% environ des étudiants votent: "de toutes façons, cela ne sert à rien!"

La bibliothèque... je ne parlerai que des 2 que j'ai connues: Cujas et Ste-Geneviève; Cujas est LA bibliothèque de droit; 95% des livres sont en réserve: il faut trouver la cote, remplir une fiche; la déposer au guichet 1, recevoir en échange de sa carte d'étudiant, un numéro; attendre que ce numéro s'allume sur un immense panneau... 30-45 min après! et aller chercher son livre ou sa revue au guichet 2 sauf si c'est une thèse, guichet 3! puis il faut trouver une place... pas évident, car les étudiants ont l'habitude de s'installer le matin, puis de quitter pour des périodes plus ou moins longues et donc de priver d'autres personnes; par ailleurs, la

bibliothèque n'est malheureusement pas calme, elle ressemble parfois plus à un lieu de rencontres.

Quant à Ste-Geneviève, elle est plus générale; là il faut passer sa carte de bibliothèque dans un appareil afin d'obtenir un numéro de place, comme au théâtre, elle est plus calme mais très vite complète...

Après tout ça, est-ce que je conseillerais à un étudiant québécois de venir étudier en France? Oui, quand même! Car j'ai appris beaucoup de choses: le droit pénal si différent, le droit civil aussi est différent (nous avons tous deux évolués depuis Napoléon!), l'importance du droit administratif, la prépondérance et le développement du droit communautaire.

Je conseillerais cependant à cet étudiant de venir au niveau du DEA ou DESS, où les groupes sont plus petits (de 20 à 60 en général).

Il paraît que c'est mieux en province, je ne sais pas.

Voici mes coordonnées pour toute information supplémentaire: année 94-95: j'étudie à Strasbourg au CEIPI (centre d'études internationales de la propriété industrielle), un troisième cycle:

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Ed.'s comment: It's a different country, and a different teaching method. Students are young because law in France corresponds to an undergraduate degree, and students go into university when they're about 18, some younger. That's just the way it works. I'm sure the teaching there, or your experience, had SOME positive aspects, perhaps we could hear about those sometime.